Response

1. In view of the appeal brief filed on 1/9/2008 PROSECUTION IS HEREBY REOPENED. as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. The applicant's arguments filed on 12/5/2006 with respect to claims 20-38 have been considered but are moot in view of new grounds of rejection in view of newly discovered prior art

3. After further reviewing claims 29 and 30-38, the claims are rejected as invention directed to non-statutory subject matter (see below) and based in-part of this new rejection the prosecution is reopened.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 29 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, 29 is directed to apparatus comprising logic units or software modules which are a program per se.

5. Claims 30-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, claims 30-38 are directed to computer program not embodied in computer readable physical medium.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 20-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Cook et al., U.S. Patent No. 6,427,063[hereinafter Cook].

As per claim 20, Daniels disclose a method for providing one or more virtual instructors (virtual teacher), comprising the steps:

connecting a server and one or more users and first virtual instructor (first teacher) (see col. 3, lines 15-40 and col. 4, lines 19-50 and col. 6, lines 37-64);
selecting a destination (location, class room) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);
coupling the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and
establishing interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).
Daniels is silent regarding: dynamically adding second virtual instructor with the first virtual instructor and the one or more users.
Cook discloses an agent based instruction system including dynamically adding second virtual instructor (virtual tutor)(see col. 10, lines 25-67 and col. 62-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Cook such as dynamically adding second virtual instructor/tutor with the first virtual instructor and the one or more users into the system of Daniels in order to provide individualized guidance to the students.

In considering claim 21, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor monitors progress and provides feedback (see col. 3, lines 29-31 and col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 22, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor (second teacher) is selected by one more users (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 23, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor becomes the principal (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 24, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor works with the first instructor to instructor the one or more users (see col. 6, lines 36-63).

In considering claim 25, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor collaborates privately with the first instructor (see col. 6, lines 36-63).

In considering claim 26, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor leads a breakout session with one or more users (see col. 13, lines 8-13).

In considering claim 27, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, the second virtual instructor is selected by the first virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 28, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, the second virtual instructor the interaction parameters include support of for electronic distribution of materials from the second virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

As per claim 29, Daniels disclose an apparatus for providing one or more virtual instructors (virtual teacher), comprising the steps:
logic that connects a server and one or more users and first virtual instructor (first teacher) (see col. 3, lines 15-40 and col. 4, lines 19-50 and col. 6, lines 37-64);
logic that selects a destination (location, class room) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);
logic that couples the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and
logic that establishes interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).
Daniels is silent regarding: dynamically adding second virtual instructor with the first virtual instructor and the one or more users.

Cook discloses an agent based instruction system including dynamically adding second virtual instructor (virtual tutor)(see col. 10, lines 25-67 and col. 62-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Cook such as dynamically adding second virtual instructor/tutor with the first virtual instructor and the one or more users into the system of Daniels in order to provide individualized guidance to the students.

As per claim 30, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors comprising the steps:
a code that connects a server and one or more users and first virtual instructor (first teacher) (see col. 3, lines 15-40 and col. 6, lines 37-64);
a code that selects a destination (location, class room) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40);
a code that couples the one or more users through the server based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and
a code that establishes interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).
Daniels is silent regarding: dynamically adding second virtual instructor with the first virtual instructor and the one or more users.
Cook discloses an agent based instruction system including dynamically adding second virtual instructor (virtual tutor)(see col. 10, lines 25-67 and col. 62-55). Therefore, it

would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Cook such as dynamically adding second virtual instructor/tutor with the first virtual instructor and the one or more users into the system of Daniels in order to provide individualized guidance to the students.

In considering claim 31, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor monitors progress and provides feedback (see col. 3, lines 29-31 and col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 32 Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor (second teacher) is selected by one more users (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 33, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor becomes the principal (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 34, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20,

wherein the second virtual instructor works with the first instructor to instructor the one or more users (see col. 6, lines 36-63).

In considering claim 35, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor collaborates privately with the first instructor (see col. 6, lines 36-63).

In considering claim 36, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor leads a breakout session with one or more users (see col. 13, lines 8-13).

In considering claim 37, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor is selected by the first virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 38, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor the interaction parameters include support of for

electronic distribution of materials from the second virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

CONCLUSION

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300. I**nformation regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free

/Salad Abdullahi/

Primary Examiner, Art Unit 2157